
Introduced by Senator Liu

January 6, 2014

An act to repeal and add Section 4024 of the Penal Code, relating to jails.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as introduced, Liu. Jails: discharge of prisoners.

Existing law authorizes the sheriff to discharge a prisoner from the county jail at a time on the last day a prisoner may be confined that the sheriff considers to be in the best interests of that prisoner. Existing law allows for the accelerated release of inmates, as specified, upon the authorization of the presiding judge of the superior court.

This bill instead would authorize the sheriff to offer a voluntary program to a prisoner, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime hours. The bill would specify that this authorization does not prevent the early release of prisoners as otherwise allowed by law or allow jails to retain prisoners any longer than otherwise required by law without the prisoners' express written consent.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) City and county jails throughout California regularly release
2 jailed persons during nighttime hours.

3 (b) Persons released during late night hours are unable to access
4 basic reentry services, are susceptible to victimization, and may
5 jeopardize public safety.

6 (c) Persons released who are homeless are left to the streets
7 until morning, as most shelters close intake in the early evening
8 hours.

9 (d) Persons who suffer from mental illness or substance
10 addiction are unable to access immediate treatment services
11 following a late night release from jail.

12 (e) Many California counties have reentry centers that provide
13 a range of services and referrals for persons recently released from
14 jail, however, most centers are typically open during business
15 hours only, leaving persons released at night without these
16 immediate benefits.

17 (f) While some jurisdictions have attempted to address this
18 issue, there is no standardized policy in place to govern release
19 times.

20 (g) County detention facilities in Florida, Michigan, Nevada,
21 and New Jersey follow local procedures to release individuals
22 around 6 a.m. on the day they are ordered released, with an
23 exception made when bail is posted.

24 (h) Personal safety is a major concern for prisoners released at
25 night, particularly with regard to women released in urban areas.
26 Incidents of victimization following late night release are not
27 uncommon.

28 (i) Las Vegas Metro Detention Center in Nevada releases men
29 and women during the day and night, however, women released
30 at night are brought to a designated part of the city due to safety
31 concerns.

32 (j) Advocates and county staff in jurisdictions including the
33 Counties of Alameda, Los Angeles, San Francisco, and San Mateo,
34 have identified the late night release of prisoners as a serious public
35 safety issue.

36 SEC. 2. Section 4024 of the Penal Code is repealed.

37 ~~4024. The sheriff may discharge any prisoner from the county~~
38 ~~jail at such time on the last day such prisoner may be confined as~~
39 ~~the sheriff shall consider to be in the best interests of the prisoner.~~

40 SEC. 3. Section 4024 is added to the Penal Code, to read:

1 4024. (a) Upon completion of a sentence served by a prisoner
2 or the release of a prisoner ordered by the court to be effected the
3 same day, including prisoners who are released on their own
4 recognizance, have their charges dismissed by the court, are
5 acquitted by a jury, are cited and released on a misdemeanor
6 charge, have posted bail, or have the charges against them dropped
7 by the prosecutor, the sheriff may offer a voluntary program to the
8 prisoner that would allow that prisoner to stay in the custody
9 facility for up to 16 additional hours or until normal business hours,
10 whichever is shorter, in order to offer the prisoner the ability to be
11 discharged to a treatment center or during daytime hours.
12 (b) This section does not prevent the early release of prisoners
13 as otherwise allowed by law or allow jails to retain prisoners any
14 longer than otherwise required by law without the prisoners'
15 express written consent.